

11/30/2022

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
)
COUNTY OF DAVISON) FIRST JUDICIAL CIRCUIT
)
KRISTIN PAVON) FILE NO. 17CIV22-_____
 Plaintiff,)
)
vs.) SUMMONS
)
JAMES BRYANT and JBR)
TRANSPORT LLC,)
 Defendants.)
)
)
)

STATE OF SOUTH DAKOTA TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon Dean Faust of A P.L.C.

Moore-Faust Law Group, Attorney for Plaintiff, whose address is 924 Quincy Street, PO Box 2471, Rapid City, SD 57709, an answer to the Complaint that is herewith served upon you, within 30 days after service of this Summons, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief sought in the Complaint.

Dated this 21st day of April, 2022.

A P.L.C. MOORE-FAUST LAW GROUP

by 

Dean Faust

Attorney for Plaintiff

924 Quincy Street

PO Box 2471

Rapid City, SD 57709

Phone: 605-348-2471

Fax: 605-343-0247

faust@moorefaust.com

EXHIBIT
A

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
)ss	
COUNTY OF DAVISON)	FIRST JUDICIAL CIRCUIT
KRISTIN PAVON, Plaintiff,)	FILE NO. 17CIV22 _____
)	
vs.)	COMPLAINT
)	
JAMES BRYANT and JBR TRANSPORT LLC, Defendants.)	
)	
)	

Plaintiff, for her causes of action against the Defendants, states and alleges the following:

1.

That Plaintiff, Kristin Pavon, was a resident of Mitchell, Davison County, South Dakota at the time of motor vehicle collision discussed below, and is currently a resident of Summerset, Meade County, South Dakota.

2.

That Defendant, James Bryant, to the best information and belief of the Plaintiff, is currently a resident of 601 N Main Street, Vardaman, Calhoun County, Mississippi, and was such at the time of the motor vehicle collision, and at no time relevant to this Complaint being a resident of South Dakota.

3.

That Defendant JBR Transport LLC is a limited liability company incorporated in Mississippi with its principal office at 235 Timber Creek Drive, Columbus, MS 39702, with the Registered Agent being Jack Reed, 235 Timber Creek, Columbus, MS 39702, and at no

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time relevant to this Complaint being considered a resident of South Dakota.

4.

That Defendant, James Bryant, at the time of the motor vehicle collision herein, on July 16, 2019, was operating and having control over a 2011 Freightliner with trailer (hereinafter referred to as "tractor-trailer") that was involved in this collision. That upon information and belief, the tractor-trailer was owned by Defendant JBR Transport LLC.

5.

That upon information and belief, Defendant James Bryant was an employee of JBR Transport LLC, with the tractor-trailer being operated by James Bryant being used at the time of the collision through the scope of his employment, agency and/or as servant; having explicitly directed and authorized Defendant James Bryant to operate the tractor-trailer at the time of the motor vehicle collision herein described.

6.

That the location of the motor vehicle collision described herein and the subject of this action took place in Davison County, South Dakota. Jurisdiction is proper based upon non-residence of the Defendants and location of the incident pursuant to SDCL 15-5-6 and 15-5-8.

7.

That Defendants owed a duty to Plaintiff to exercise reasonable care and skill in operation of the motor vehicle Defendant James Bryant was operating and be free of negligence.

8.

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That on or about July 16, 2019, Plaintiff Kristin Pavon was driving her 2009 Jeep Liberty traveling southbound on Cabela Drive in Mitchell, Davison County, South Dakota. At the same time, the Defendant James Bryant, was operating a tractor-trailer, while in the scope of employment of, and owned by Defendant JBR Transport LLC, traveling westbound on Spruce Street, approaching its intersection with Cabela Drive. Unfortunately for Plaintiff, Defendant James Bryant negligently failed to stop at the stop light, striking Plaintiff's vehicle, causing substantial injuries and damages to Plaintiff Kristin Pavon.

9.

That Defendant, James Bryant, to the best information and belief of the Plaintiff, was in the course and scope of employment with Defendant JBR Transport LLC at the time of this motor vehicle collision on or about July 16, 2019.

10.

Plaintiff is free from contributory negligence and all of Plaintiff's losses were, are, and will be due to the negligence of Defendants.

11.

As a direct result of Defendants' negligence, Plaintiff's damages from this incident include, but are not limited to, personal injuries and other damages including temporary and permanent injury; temporary and permanent impairment disability; past and future medical expenses; past and future emotional and psychological distress and mental anguish; past and future pain and suffering; loss of quality and enjoyment of life; lost income and lost earning capacity; and other injuries and damages.

12.

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That as a direct and legal result of the negligence of Defendants James Bryant and JBR Transport LLC, Plaintiff Kristin Pavon sustained significant injuries and damages.

13.

That Defendant JBR Transport LLC, by and through their employee, Defendant James Bryant, also negligently and carelessly brought about the collision with the vehicle in which Plaintiff was traveling and constituted the direct and proximate cause of the injuries to Plaintiff and the damages resulting therefrom.

14.

That Defendant James Bryant was negligent in that he failed to use due care in the operation of the motor vehicle he was driving and was negligent in the operation thereof in a number of ways, including, but not limited to:

- a. Defendant Bryant drove upon a public roadway carelessly, recklessly, and without due caution, in a manner so as to endanger other persons and property, including Plaintiff;
- b. Defendant Bryant failed to maintain a proper lookout;
- c. Defendant Bryant failed to yield to Plaintiff;
- d. Defendant Bryant failed to properly stop at a stop light;
- e. Defendant Bryant negligently violated the traffic rules for the roadway wherein this collision took place.

Each of these acts, among others, brought about the collision with the vehicle in which Plaintiff was traveling and constituted the direct and proximate cause of the injuries to Plaintiff and the damages resulting therefrom.

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15.

Defendant James Bryant's acts of failing to obey the rules of the road as herein set forth were in direct violation of South Dakota law, including SDCL 32-28-10 and Defendant Bryant is therefore negligent as a matter of law. Such negligence is the direct and proximate cause of damages suffered by Plaintiff.

16.

That Defendant JBR Transport LLC, hired, employed, and engaged Defendant James Bryant, on July 16, 2019, at all times relevant to this action. Defendant James Bryant was negligently operating the tractor-trailer involved in this collision within the course and scope of his employment, authorization, agency, job duties, and direction of Defendant JBR Transport LLC.

17.

That, at the time of the collision, Defendant James Bryant was employed with and in furtherance of his job duties for JBR Transport LLC, establishing vicarious liability, by way of respondeat superior.

18.

That Defendant JBR Transport LLC, negligently failed to properly supervise, instruct, and control Defendant James Bryant in the proper operation of the 2011 Freightliner; negligently entrusted Defendant James Bryant with the 2011 Freightliner, and allowed the operation of a commercial vehicle without determining if he was competent to safely operate said vehicle; and was negligent in the supervision of Defendant James Bryant, knowing or having should have known about his anticipated negligent usage of the company vehicle.

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Said negligence was the direct and proximate cause of Plaintiff's injuries and damages.

19.

That Defendant JBR Transport LLC, individually and by and through their employee and agent, Defendant James Bryant, negligently brought about the motor vehicle collision which constituted the direct and proximate cause of the injuries and the damages resulting therefrom to Plaintiff.

20.

That as a direct result of the negligence of Defendant James Bryant and Defendant JBR Transport LLC, Plaintiff Kristin Pavon suffered significant injuries and damages as herein stated. For these damages, the Plaintiff, is requesting recovery from Defendant James Bryant both personally and as agent and/or employee of Defendant JBR Transport LLC; and from Defendant JBR Transport LLC; for the personal injuries and other damages including, but not limited to, temporary and permanent injury; temporary and permanent impairment disability, past and future medical expenses, past and future emotional and psychological distress and mental anguish, past and future pain and suffering, loss of quality and enjoyment of life, lost income and lost earning capacity, and other injuries and damages. For these damages, Plaintiff is entitled to recovery from Defendants.

WHEREFORE, Plaintiff prays for judgment against Defendants' for damages due to Defendants' negligence as follows:

21. That Defendants James Bryant and JBR Transport LLC, be found liable for Plaintiffs damages;

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22. For general and special damages in an amount to be determined by the jury, plus prejudgment and post-judgment interest thereon;
23. Plaintiff requests the Court to allow the jury, in its discretion, to award Plaintiff interest on the entire amount of losses commencing on July 16, 2019, as allowed by SDCL 21-1-13.1;
24. For Plaintiffs costs and disbursements herein; and
25. For such other and further relief as the Court deems just and equitable in the premises.
26. Trial by Jury is hereby demanded.

TRIAL BY JURY IS HEREBY DEMANDED

Dated this 21st day of April, 2022.

A P.L.C. MOORE-FAUST LAW GROUP

by 

Dean Faust
Attorney for Plaintiff
924 Quincy Street
PO Box 2471
Rapid City, SD 57709
Phone: 605-348-2471
Fax: 605-343-0247
faust@moorefaust.com